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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,132	07/11/2003	Ming Che Wu	62188.011200	4425
32361	7590	09/01/2004	EXAMINER	
GREENBERG TRAURIG, LLP 885 3RD AVENUE NEW YORK, NY 10022				MAI, HUY KIM
		ART UNIT		PAPER NUMBER
		2873		

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/618,132	WU, MING CHE
Examiner	Art Unit	
Huy K. Mai	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,4-8 and 11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-8 and 11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) filed on April 19, 2004 is acknowledged.

### ***Specification***

2. NOTE: Upon the applicant requests, the rules 37 CFR 1.77(b) is provided as below:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4-8,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao (6,264,323) in view of Wang et al (5,335,025).

Chao discloses in Figs. 5-7, column 3, lines 21-40, an eyeglass assembly comprising a pair of first eyeglasses 50 and a pair of second eyeglasses 50', a retainer integrally formed with the first bridge 51 and consisting of an upper clamping plate 53, a lower clamping plate 54 and a space defined between the upper and lower clamping plates. However the combination of at least one positioning rib 57 and at least one groove 58 are formed on the inner face of the lower clamping plate and the second bridge, respectively, instead of the at least one rib formed on the second bridge and the at least one groove formed on the inner face of the lower clamping plate as claimed in claim 1. Thus the differences between the claimed invention over the Chao reference are the interchanged positions of the rib and groove formed on either the inner face of the lower clamping plate or the second bridge. Such interchanged positions of the rib and groove would have been easily motivated to a person having ordinary skill in this art to modify the position of the rib and groove in the Chao reference by forming the rib on the second bridge and forming the groove on the inner face of the lower clamping plate. Such a modification would not change the

scope of the retainer to combine the first pair of eyeglasses to a second pair of eyeglasses in the Chao reference. Although the Chao's upper and lower clamping plates do not include the inclined faces and the bridges does not include the truncated corners as claimed. Such the inclined faces and the truncated corners are for facilitating to insert the bridge to the retainer. The inclined faces and the truncated corners are for facilitating to insert a first element to a second element are commonly knowledge in the art as taught by Wang, for example. Therefore, it would have been obvious to an artisan to truncate the corners of the bridge and to incline the inner surface of the upper and lower clamping plates of the Chao reference as commonly knowledge in the art for facilitating to combine the retainer to the bridge as the same as the applicant does.

Regarding claims 8,11, the limitations in claims 8,11 are similar to those of claims 1,4-7, except for the retainer is integrally formed with the first bridge instead of the retainer detachably connected to the first bridge and the second bridge as claimed. Chao also discloses in Fig. 12, his retainer 913 including the upper and clamping plates 916, 917 detachably connected to the first bridge 912 and the second bridge 911. Therefore, it would have been obvious to an artisan to modify the above-discussed Chao's modified retainer in light of Chao's teachings by forming the retainer separately from the first bridge where the retainer detachably connected to the first bridge and the second bridge to combine the first pair of eyeglasses and the second pair of eyeglasses as the same purpose as the applicant does.

#### *Response to Arguments*

5. Applicant's arguments filed Jul. 12, 2004 have been fully considered but they are not persuasive. The applicant states that "each of independent claims 1 and 8 recites that essentially

no bending force is generated to either the upper clamping plate or the lower clamping plate until a rib is inserted into the retainer (it is believed that this feature is not explicitly shown or suggested by Chao '323). This is not true. Chao claimed in claim 5, lines 12-14 that "said restricting groove having a narrow end, via which said first bridge can be removed forcibly from said clip". Such "removed forcibly from said clip" is substantially the same as no bending force as claimed as the same the applicant discloses in the specification, page 4, lines 22 through page 5, line 4, that "*Only when the rib (40) passes the joint between the inclined inner face of the lower clamping plate (32) and the restricting groove (321), a slight bending (e.g., of the lower clamping plate (32)) occurs to allow the insert(50) (including the rib (40)) to pass over the joint between the inclined inner face of the lower clamping plate (37) and the restricting groove (321).*" Further, when the rib (40) is fittingly (and removeably) received in the restricting groove (371), the first eyeglasses (19) is secured to the second eyeglasses (20)." Furthermore, the applicant does not show how the Chao's clip is bent as he believed.

6. Regarding Wang et al reference, the applicant is substantially incorrect in analyzing the Wang et al reference the inclined surface 221 (Fig.1) is for insertion, but not for "pivotally attaching" as argued by the applicant. Further the inclined surfaces are for facilitating to insert a first element to a second element are commonly knowledge in the art as taught by Wang, for example.

### *Conclusion*

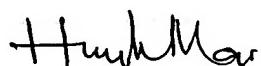
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai  
Primary Examiner  
Art Unit 2873

HKM/  
August 31, 2004